

Remarks

Claims 22-29, 32, 36-43 and 45-48 are pending of which claims 36-43 and 48 are allowed. Claims 1-21, 30-31, 33-35, and 49-54 are canceled. Claim 22-23, 32, 36, 38, 42, 45, and 46-47 are amended. Following entry of these amendments, the following claims remain in the application for consideration: 22-29, 32, 36-43 and 45-48.

35 U.S.C. §112 Rejections

(i) *Claims 22-27 and 32 and 47 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants traverse the rejection of these claims.*

The position taken in the Action in rejecting claims 22-27 and 32 is that *Mycobacterium* extracts produced by utilizing the solvents phenol, isopropyl alcohol, acetic acid, urea, and hexane or utilizing the enzyme pronase are not enabled.

Without acquiescing to the asserted grounds of rejection and although Applicant disputes the interpretation of the art in the Action and solely in an effort to expedite prosecution of the pending claims to allowance Applicant has amended claims 22-27 and 32, without prejudice, to delete the solvents phenol, isopropyl alcohol, acetic acid, urea, and hexane and the enzyme pronase, which moots the arguments stated in the Action. Amended claims 22-27 and 32 limit solvents to chloroform, ethanol, methanol and acetone and the enzyme to liticase, which the Action finds are enabled.

Applicants believe that the amendments to the claims render the 112, first paragraph rejection of claims 22-27 and 32 and 47 moot and respectfully request that the rejection be withdrawn.

(ii) *Claims 45, 46 and 47 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants traverse the rejection of these claims.*

Claim 45 was rejected because of ambiguity created by its dependence on claim 48. Claim 45 has been amended to depend on claim 22, accordingly this ground of rejection has been obviated.

Claims 46 and 47 were rejected because they were dependent on a cancelled claim. Claims 46 and 47 have been amended to change their dependency to claim 22, accordingly this ground of rejection has been obviated.

Applicants believe that the amendments to the claims render the 112, second paragraph rejection of claims 45, 46 and 47 moot and respectfully request that the rejection be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited.

A telephonic interview between the Examiner and Applicant's representative below is requested to resolve any remaining issues and answer any questions the Examiner may have. Please call the undersigned attorney at 617-345-3691 to conduct the substantive interview or briefly to arrange a time for it (or arrange by e-mail to shasan@burnslev.com).

Respectfully submitted,

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